

FREEDOM OF INFORMATION ACT

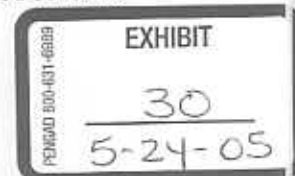
The spirit and purpose of the Freedom of Information Act (FOIA) is to ensure that public business is indeed conducted in a public manner. § 30-4-15. Every meeting of all public bodies shall be open to the public unless closed pursuant to Section 30-4-70. § 30-4-60. A meeting is defined as the convening of a quorum, a simple majority of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power. § 30-4-20(d) and (e). No chance meeting, social meeting, or electronic communication may be used to circumvent the spirit or the requirements of the FOIA that public business be conducted in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in a public activity and in the formulation of public policy. § 30-4-70(c).

A public body may at times find it necessary to enter an executive session. § 30-4-70(b) requires a public agency to announce a "specific purpose" before going into an executive session. A "specific purpose" under subsection (b) means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) as follows:

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

- (1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body; however, if an adversary hearing involving the employee or client is held, the employee or client has the right to demand that the hearing be conducted publicly. Nothing contained in this item shall prevent the public body, in its discretion, from deleting the names of the other employees or clients whose records are submitted for use at the hearing.
- (2) Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim.
- (3) Discussion regarding the development of security personnel or devices.
- (4) Investigative proceedings regarding allegations of criminal misconduct.
- (5) Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

The question, then, is how specific does the "specific purpose" need to be? An Attorney General's Opinion provides some guidance: "Merely stating that an executive session will be convened for the discussion of 'personnel matters' is not sufficient." 1988 Op Atty Gen, No. 88-9, p 39. Rather, the public in attendance should be specifically apprised of the nature of the discussions to be held in executive session, because of the Code's mandate that a "specific purpose" be announced. Id. While this Opinion referred only to the adequacy of "personnel matters" as an acceptable "specific purpose," inferences can be drawn about other stated reasons



for going into executive session. It seems clear that "personnel matters" and like vague phrases are wholly inadequate to satisfy the "specific purpose" requirement of the FOIA. Detailed below are the following: (1) the number of times the Board of Directors and each Committee met; (2) the number of executive sessions entered into (3) the purpose given for entering executive session.

Between January 28, 2003 and April 1, 2005, the Board of Directors met 41 times. During those 41 meetings, the Board went into Executive Session a total of 18 times. On 2 occasions, the only purpose given for going into Executive Session was "personnel matters." On 4 occasions, the purpose given was "contractual matters and legal advice." "Contractual matters" was the sole purpose given in 4 instances. "Legal advice" was the given purpose 5 times. Finally, "contractual and personnel matters" was given as the purpose for entering Executive Session 3 times.

Between January 28, 2003, and April 1, 2005 the Contributions Committee met a total of 7 times. The Contributions Committee never entered Executive Session.

Between January 28, 2003, and April 1, 2005, the Public Relations Committee met 5 times. One of those meetings was a joint meeting with the Finance Audit Committee. The Public Relations Committee went into Executive Session 2 times. Both of these times, the reason given was "contractual matters."

Between January 28, 2003, and April 1, 2005, the Executive Corporate Planning Committee met 20 times. During those 20 meetings, this Committee went into Executive Session 11 times. The reason given was "legal advice" on 3 occasions. "Contractual matters" was the given reason on 6 occasions. The combination of "contractual matters and legal advice" was given as the reason for entering Executive Session 2 times.

Between January 28, 2003, and April 1, 2005, the Finance-Audit Committee met 19 times. This Committee went into Executive Session 5 times - 2 times for "personnel matters" and 3 times for "contractual matters."

Between January 28, 2003, and April 1, 2005, the Facilities Committee met 4 times. The Facilities Committee never went into Executive Session.

Between January 28, 2003, and April 1, 2005, the Human Resources Committee met 13 times. This Committee entered Executive Session 6 times. The reason given for entering Executive Session was "personnel matters" 5 times. The other time, the reason given was "contractual matters."

Between January 28, 2003, and April 1, 2005, the Legal Affairs Committee met 8 times. This Committee went into Executive Session 7 times. In every instance, the reason given was "legal advice."

Between January 28, 2003, and April 1, 2005, the Property Committee met 9 times. On 3 occasions, the Property Committee entered Executive Session for "contractual matters."

Office of the Attorney General
State of South Carolina

*1 Opinion No. 88-9

January 26, 1988

The Honorable Harvey S. Peeler, Jr.
Senator
District No. 14
512 Gressette Building
Columbia, South Carolina 29202

William M. Brice, Jr., Esquire
York City Attorney
Post Office Box 275
York, South Carolina 29745

Gentlemen:

By your respective letters, you have asked for the opinion of this Office as to the appropriateness of an executive session during a meeting of the York City Council to discuss issues which are apparently causing some conflict between the Mayor and City Manager of York. Mr. Brice, the City Attorney, opined that the executive session would not be appropriate, since the executive session would not be convened 'for the purpose of promoting, demoting, reprimanding or chastising the City Manager.' As a result, the City Council decided not to enter executive session. You have both inquired as to the permissibility of entering executive session for such a purpose.

The minutes furnished to this Office from the meeting in question (held in early December 1987) reflect the following on this sequence of events:

2. MOTION was made by Councilman Ebersold, seconded by Councilman Connolly, to call for an executive session, if legally possible, to attempt to alleviate strain between city manager and mayor/council, and to resolve personnel problems. The city manager objected, saying that he had requested executive sessions in the past and had been told by the city attorney that they were not legal for the topics proposed for discussion. The city attorney was directed to submit his opinion regarding legality to the attorney general, and upon receiving the attorney general's written opinion, to report to Council. A vote was not taken on the motion.

* * *

In its present form, South Carolina's Freedom of Information Act was adopted as Act No. 593, 1978 Acts and Joint Resolutions, as amended by Act No. 118, 1987 Acts and Joint Resolutions. The public policy of the Act as expressed in the preamble of Act No. 593 of 1978 was codified by Act No. 118 of 1987; Section 30-4-15 now provides:

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to

public documents or meetings.

As with any statute, the primary objective in construing the provisions of the Freedom of Information Act is to ascertain and give effect to the legislature's intent. Bankers Trust of South Carolina v. Bruce, 275 S.C. 35, 267 S.E.2d 424 (1980). South Carolina's Freedom of Information Act was designed to guarantee to the public reasonable access to certain information concerning activities of the government. Martin v. Ellisor, 266 S.C. 377, 213 S.E.2d 732 (1975). The Act is a statute remedial in nature and must be liberally construed to carry out the purpose mandated by the General Assembly. South Carolina Department of Mental Health v. Hanna, 270 S.C. 210, 241 S.E.2d 563 (1978). Any exception to the Act's applicability must be narrowly construed. News and Observer Publishing Co. v. Interim Bd. of Ed. for Wake Co., 29 N.C.App. 37, 223 S.E.2d 580 (1976).

*2 Section 30-4-60 of the Code requires that '[e]very meeting of all public bodies shall be open to the public unless closed pursuant to § 30-4-70 of this chapter.' Section 30-4-70 enumerates the very limited circumstances for which an executive session may be convened and further specifies the procedures to be followed in convening in executive session. In relevant part, Section 30-4-70 provides:

(a) A public body may hold a meeting closed to the public for one or more of the following reasons:

(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee. . . . [FN1]

* * *

(6) Prior to going into executive session the public agency shall vote in public on the question and when such vote is favorable the presiding officer shall announce the specific purpose of the executive session. No formal action may be taken in executive session. As used in this item 'formal action' means a recorded vote committing the body concerned to a specific course of action. No vote may be taken in executive session.

It appears that an attempt 'to alleviate strain between city manager and mayor/council' does not fall within the plain and unambiguous terms of Section 30-4-70(a)(1). The matters to be discussed vis-a-vis the city manager, the mayor, and council members must necessarily relate to the 'employment, appointment, compensation, promotion, demotion, discipline, or release of an employee' such as the city manager would be. According to information supplied by the York City Attorney as noted earlier, the issues to be addressed did not include 'promoting, demoting, reprimanding or chastising the City Manager.' Because open meetings are the rule and exceptions thereto must be construed narrowly, we must concur with the City Attorney that an executive session would not have been appropriate in this instance.

Additionally, this Office was asked about the appropriateness of requesting an executive session to discuss personnel matters without stating the specific action to be discussed. As noted above, Section 30-4-70(a)(6) now requires that 'the specific purpose of the executive session' be announced. The word 'specific' was added by Act No. 118 of 1987 and means 'precise,' 'definite,' 'explicit,' Robert Bosch Corporation v. United States, 305 F.Supp. 921, 924 (U.S.Cust.Ct. 1969); more than perfunctory or general, Ed Hall Drilling Company v. Profitt, 424 S.W.2d 403 (Ky.Ct.App. 1968); the very opposite of 'general.' State ex rel. State Railway Commission v. Ramsey, 151 Neb. 333, 37 N.W.2d 502 (1949).

Because the General Assembly has mandated that the specific purpose of an

executive session be announced prior to so convening, we do not deem an announcement that 'personnel matters' will be discussed to be in compliance with Section 30-4-70(a)(6). Indeed, before the 1987 amendment to Section 30-4-70, this Office advised:

Clearly, we believe the Act contemplates that executive sessions should be preceded by the disclosure of such information as is sufficient to apprise the public in attendance of the subject matter to be undertaken. In this instance, while a court could find that the public announcement that 'personnel matters' were to be discussed was sufficient to go into executive session to select all the officers in question, clearly a more detailed and specific announcement as to each position would have been preferable, given the purpose of the Act.

*3 Op. Atty. Gen. No. 84-46, dated April 24, 1984. Since the issuance of this opinion, the General Assembly has mandated that the specific purpose be announced; this change in the law makes even stronger the basis for our advice that sufficient information be disclosed to apprise the public of the nature of discussions to be held in executive session.

Based on the foregoing, it is the opinion of this Office that:

1. Convening in executive session to discuss differences which were causing some conflict between the Mayor and City Manager of York would not be in keeping with the requirements of Section 30-4-70(a)(1), which permits the convening of an executive session for the limited purposes of discussing 'employment, appointment, compensation, promotion, demotion, discipline, or release of an employee . . .'. In so concluding, we concur with the opinion of the York City Attorney.

2. Merely stating that an executive session will be convened for the discussion of 'personnel matters' is not sufficient, as the 1987 amendment to Section 30-4-70(a)(6) requires that the specific purpose of the executive session be announced. An announcement specifically apprising the public in attendance at the meeting of the subject matter to be discussed is mandated.

With kindest regards, I am

Sincerely,

T. Travis Medlock

Attorney General

[FN1] The remainder of the authorized reasons for which an executive session may be convened are not relevant to your inquiry.

1988 S.C. Op. Atty. Gen. 39, 1988 S.C. Op. Atty. Gen. No. 88-9, 1988 WL 383492 (S.C.A.G.)

END OF DOCUMENT

January 28, 2003

Board of Directors

Chair:	McElveen
Who made the motion?	Director Givens
Who seconded?	Director Allen
What reason?	Contractual matters
What happened next?	Adoption of a resolution entitled "L-03-SP Curtailable Supplemental Power Rider" followed by another E.S.

Who made the motion?	Director Barnes
Who seconded?	Director Allen
What reason?	Personnel Matters
What happened next?	Meeting adjourned

February 25, 2003

Legal Affairs Committee

Chair:	Land
Who requested E.S.?	West
Who made the motion?	Director Allen
Who seconded?	Director Code
What reason?	Legal advice
What happened next?	Meeting adjourned

March 24, 2003

Finance-Audit Committee

Chair:	Fleming
Who requested E.S.?	Fleming
Who made the motion?	Director Turner
Who seconded?	Director Givens
What reason?	Contractual matters
What happened next?	A discussion of Santee Cooper's conflicts of interest policy for employees followed by approval of work done by an employee (Kenneth Lendler) for Life Cycle Engineering

April 25, 2003

Human Resources Committee

Chair:	Turner
Who requested E.S.?	Not requested
Who made the motion?	Chairman Edwards (board chairman)
Who seconded?	Director Wooten
What reason?	Personnel issues
What happened next?	Approval of recommendations of Towers Perrin regarding compensation

May 19, 2003

Legal Affairs Committee

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Edwards
Who seconded?	Director Allen
What reason?	Contractual matters
What happened next?	Meeting adjourned

June 22, 2003

Board of Directors

Chair:	Edwards
Who requested E.S.?	Not requested
Who made the motion?	Director Land
Who seconded?	Director Allen
What reason?	Contractual and legal matters
What happened next?	Meeting adjourned

June 23, 2003

Board of Directors

Chair:	Edwards
Who requested E.S.?	Not requested
Who made the motion?	Director Land
Who seconded?	Director Dove
What reason?	Contractual matters
What happened next?	Mr. Thomas reported on the Palmetto Economic Development Corporation, which provides economic development services to Santee Cooper. Another E.S. followed.

Who requested the E.S.?	Not requested
-------------------------	---------------

Who made the motion?	Director Barnes
Who seconded?	Director Land
What reason?	Legal advice
What happened next?	Resolution to thank an employee for service and adjournment

June 28, 2003

Board of Directors

Chair:	Edwards
Who requested E.S.?	Not requested
Who made the motion?	Director Munson
Who seconded?	Director Land
What reason?	Contractual matters and legal advice
What happened next?	Discussion of conveyance of a piece of property to the City of Loris

August 25, 2003

Board of Directors

Chair:	Edwards
Who requested E.S.?	Not requested
Who made the motion?	Director Land
Who seconded?	Director Campbell
What reason?	Contractual matters and legal advice
What happened next?	Meeting adjourned

September 22, 2003

Board of Directors

Chair:	Edwards
Who requested E.S.?	Not requested
Who made the motion?	Director Dove
Who seconded?	Director Campbell
What reason?	Legal advice
What happened next?	Meeting adjourned

Executive-Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Not requested
Who made the motion?	Director Munson
Who seconded?	Director Land
What reason?	Contractual matters and legal advice
What happened next?	Lunch and then meeting adjourned

October 24, 2003

Customer and Public Relations Committee

Chair:	Dove
Who requested E.S.?	Not requested
Who made the motion?	Dove
Who seconded?	Edwards
What reason?	Contractual matters
What happened next?	Meeting adjourned

Executive-Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Not requested
Who made the motion?	Director Green
Who seconded?	Director Land
What reason?	Legal advice
What happened next?	Discussion of South Carolina's budget problems and the possibility of selling surplus land

November 24, 2003

Board of Directors

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Campbell
Who seconded?	Director Land
What reason?	Contractual matters and legal advice
What happened next?	A resolution to provide assistance for the budget of SC; vote taken

December 15, 2003

Executive Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Not requested
Who made the motion?	Director Land
Who seconded?	Director Green
What reason?	Legal advice
What happened next?	Discussion of assistance to SC budget made in two 6.5 million payments and how it was to be apportioned

Finance-Audit Committee

Chair:	Green
Who requested E.S.?	Green

Who made the motion?
Who seconded?
What reason?
What happened next?

Edwards
Director Dove
Personnel Matters
Green requested that management work with external auditors to voluntarily comply with Sarbanes-Oxley

December 23, 2003

Board of Directors

Chair:
Who requested E.S.?
Who made the motion?
Who seconded?
What reason?
What happened next?

Edwards
Not requested
Director Land
Director Campbell
Contractual and personnel matters
Meeting adjourned

December 26, 2003

Board of Directors

Chair:
Who requested E.S.?
Who made the motion?
Who seconded?
What reason?
What happened next?

Edwards
Not requested
Green
Campbell
Contractual and personnel matters
Meeting adjourned

January 12, 2004

Board of Directors

Chair:
Who requested E.S.?
Who made the motion?
Who seconded?
What reason?
What happened next?

Edwards
Not requested
Director Dubose
Director Campbell
Personnel and contractual matters
Mr. Tiencken resigned as President and CEO

January 25, 2004

Legal Affairs Committee

Chair:	Munson
Who requested E.S.?	Munson
Who made the motion?	Director Allen
Who seconded?	Edwards
What reason?	Legal advice
What happened next?	Meeting adjourned

January 26, 2004

Board of Directors

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Campbell
Who seconded?	Director Land
What reason?	Personnel matters
What happened next?	Lonnie Carter was named president and CEO of SC Public Service Authority

February 22, 2004

Legal Affairs Committee

Chair:	Munson
Who requested E.S.?	Munson
Who made the motion?	Director Allen
Who seconded?	Director Davis
What reason?	Legal advice
What happened next?	Authorized President and CEO to execute any document to affect a global settlement of pending matters with the EPA and DHEC

February 23, 2004

Human Resources Committee

Chair:	Land
Who requested E.S.?	Land
Who made the motion?	Director Davis
Who seconded?	Director Allen
What reason?	Personnel matters
What happened next?	Approval of \$250,000 salary for President and CEO; appointment of Abrams and Ritter as vice-presidents; appointment of Gaskins as Assistant Corp. Secretary; resolution to make Ritter the Director of Energy Authority

April 23, 2004

Executive-Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Munson
Who seconded?	Director Land
What reason?	Contractual matters and receive legal advice
What happened next?	Meeting adjourned

Human Resources Committee

Chair:	Land
Who requested E.S.?	Land
Who made the motion?	Director Allen
Who seconded?	Director Dove
What reason?	Personnel matters
What happened next?	Approval of recommendation of Towers Perrin report on executive base compensation

May 24, 2004

Board of Directors

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Land
Who seconded?	Director Dubose
What reason?	Contractual matters
What happened next?	Meeting adjourned

Executive-Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Land
Who seconded?	Director Munson
What reason?	Contractual matters
What happened next?	Report and discussion on transmission, distribution, generation customer and corp. services and water; introduction of Board of Engineers; another executive session

Who requested?	Edwards
Who made the motion?	Director Land
Who seconded?	Director Coen
What reason?	Contractual matters

What happened next? Meeting adjourned

June 28, 2004

Human Resources Committee

Chair: Land
Who requested E.S.? Land
Who made the motion? Director Allen
Who seconded? Director Dove
What reason? Personnel matters
What happened next? Singletary and Pierce recommended to Board for approval;
another executive session

Who requested? Land
Who made the motion? Director Allen
Who seconded? Director Sanders
What reason? Contractual matters
What happened next? Meeting adjourned

July 26, 2004

Board of Directors

Chair: Edwards
Who requested E.S.? Edwards
Who made the motion? Director Land
Who seconded? Director Dove
What reason? Contractual matters
What happened next? Meeting adjourned

Legal Affairs Committee

Chair: Munson
Who requested E.S.? Munson
Who made the motion? Director Land
Who seconded? Edwards
What reason? Legal advice
What happened next? Meeting adjourned

Joint Meeting of Customer and Public Relations Committee and Finance-Audit Committee

Chair: Dove
Who requested E.S.? Carter
Who made the motion? Dove
Who seconded? Campbell
What reason? Contractual matters
What happened next? Discussion of "off peak service rider" for large customers;
discussion of "Good Cents Loan Program"

Finance-Audit Committee

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Green
Who seconded?	Director Munson
What reason?	Contractual matters
What happened next?	Green requested Richardson provide information about purchasing agents

August 23, 2004

Executive-Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Land
Who seconded?	Director Munson
What reason?	Contractual matters
What happened next?	Break for lunch; reconvened in executive session and then adjourned due to time constraints

September 26, 2004

Property Committee

Chair:	Dubose (Edwards presiding)
Who requested E.S.?	Edwards
Who made the motion?	Dubose (via telephone)
Who seconded?	Land (via telephone)
What reason?	Contractual matters
What happened next?	Discussion of "Revised Policy for Sale of Surplus Properties"

September 27, 2004

Executive-Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Land
Who seconded?	Director Coen
What reason?	Contractual matters
What happened next?	Voted to recommend resolution "Submission of a Joint Bid to Purchase an Undivided Ownership Interest in the Catawba Nuclear Station, York County"; meeting adjourned

October 29, 2004

Board of Directors

Chair:	Edwards
Who requested E.S.?	West
Who made the motion?	Director Coen
Who seconded?	Director Land
What reason?	Legal advice
What happened next?	Vote to change contribution policy; discussion of surplus land sales; personnel matters

Executive-Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Land
Who seconded?	Director Coen
What reason?	Contractual matters
What happened next?	Meeting adjourned

November 21, 2004

Property Committee

Chair:	Dubose
Who requested E.S.?	West
Who made the motion?	Director Land
Who seconded?	Director Green
What reason?	Contractual matters
What happened next?	Meeting adjourned

November 22, 2004

Human Resources Committee

Chair:	Land
Who requested E.S.?	Land
Who made the motion?	Director Allen
Who seconded?	Director Campbell
What reason?	Personnel matters
What happened next?	Meeting adjourned

Executive-Corporate Planning Committee

Chair:	Edwards
Who requested E.S.?	Edwards
Who made the motion?	Director Land
Who seconded?	Director Munson
What reason?	Contractual matters

What happened next?

Meeting adjourned

December 13, 2004

Finance-Audit Committee

Chair:	Green
Who requested E.S.?	Green
Who made the motion?	Director Munson
Who seconded?	Director Campbell
What reason?	Personnel matters
What happened next?	Meeting adjourned

Human Resources Committee

Chair:	Land
Who requested E.S.?	Land
Who made the motion?	Director Sanders
Who seconded?	Director Allen
What reason?	Personnel matters
What happened next?	Meeting adjourned

Legal Affairs Committee

Chair:	Munson
Who requested E.S.?	Munson
Who made the motion?	Director Land
Who seconded?	Director Davis
What reason?	Legal advice
What happened next?	Meeting adjourned

January 24, 2005

Board of Directors

Chair:	Edwards
Who requested E.S.?	Green
Who made the motion?	Director Campbell
Who seconded?	Director Davis
What reason?	Legal advice
What happened next?	Presentation by Senator Leatherman and others on NESA, North Eastern Strategic Alliance; Appointment of Brogdon as General Counsel; President's report

Property Committee

Chair:	Coen
Who requested E.S.?	Carter
Who made the motion?	Director Land
Who seconded?	Director Sanders
What reason?	Contractual matters

What happened next?	Sale of 1.15 acres adjoining Santee-Cooper office in Moncks Corner for \$221,000
---------------------	--

Executive-Corporate Planning Committee

Chair:	Green
Who requested E.S.?	Green
Who made the motion?	Director Land
Who seconded?	Director Munson
What reason?	Contractual matters
What happened next?	Report on natural gas hedging program

March 18, 2005

Executive-Corporate Planning Committee

Chair:	Green
Who requested E.S.?	Not requested
Who made the motion?	Director Munson
Who seconded?	Director Campbell
What reason?	Legal advice
What happened next?	Meeting adjourned

March 23, 2005

Legal Affairs Committee

Chair:	Munson
Who requested E.S.?	Not requested
Who made the motion?	Munson
Who seconded?	Director Land
What reason?	Legal advice (regarding legislative matters with the Board)
What happened next?	Motion to recommend that S. 573 and H.R. 3732 were "born out of ill will" (failed); discussion of response to Senator Mescher's article

March 24, 2005

Board of Directors

Chair:	Green
Who requested E.S.?	Director Munson
Who made the motion?	Green
Who seconded?	Director Falk
What reason?	Legal advice
What happened next?	Motion to ask staff to prepare a position paper regarding S. 573 and H.R. 3732; Davis made motion to amend to allow management to offer suggestions for language in reference to the proposed legislation; Amendment failed, original motion passed